

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

KASEEM R. RICKS,

Plaintiff,

v.

DIVERSIFIED CONSULTANTS, INC.,

Defendant.

Civil Action No. 18-9087 (MAS) (LHG)

**MEMORANDUM ORDER**

**SHIPP, District Judge**

This matter comes before the Court upon Defendant Diversified Consultants, Inc.'s Motion to Dismiss. (ECF No. 5.) *Pro se* Plaintiff Kaseem R. Ricks ("Plaintiff") did not oppose the motion. The Court has carefully considered Defendant's submission and decides this matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons set forth below, Defendant's Motion to Dismiss is granted.

**I. Background**

On May 10, 2018, Defendant removed this matter from the Superior Court of New Jersey, Law Division, Special Civil Part, Somerset County. (Notice of Removal 1, ECF No. 1.) Defendant averred that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1441 because this matter arises out of an alleged violation of the Fair Credit Reporting Act. (*Id.* at 1-2.)

On May 17, 2018, Defendant filed the instant Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Mot. to Dismiss, ECF No. 5.) Defendant argues that Plaintiff failed to plead sufficient facts to support a claim for relief under the Fair Credit Reporting Act and to

“satisfy the elements of a claim for defamation of character.” (*Id.* at 6, 8.) Defendant also argues that New Jersey has not recognized the tort of negligent enablement of imposter fraud, and Plaintiff has failed to allege any facts to maintain a claim of common law negligence. (*Id.* at 7.)

## **II. Legal Standard**

Federal Rule of Civil Procedure Rule 8(a)(2) “requires only ‘a short and plain statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the defendant fair notice of what the . . . claim is and the grounds upon which it rests . . . .’” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). “[A] *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers . . . .” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citation omitted). Nonetheless, “a litigant is not absolved from complying with *Twombly* and the federal pleading requirements merely because [she] proceeds *pro se*.” *Thakar v. Tan*, 372 F. App’x 325, 328 (3d Cir. 2010) (citation omitted). Thus, “*pro se* litigants still must allege sufficient facts in their complaints to support a claim.” *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013) (citation omitted).

## **III. Discussion<sup>1</sup>**

Plaintiff’s Complaint fails to comply with the requirements of Rule 8(a). Plaintiff’s Complaint consist of four pages of forms. (*See* Notice of Removal, Ex. A, Compl. 1, ECF No. 1-2.)

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<sup>1</sup> Third Circuit precedent requires analysis of the merits of the underlying complaint, even if a motion pursuant to Rule 12(b)(6) is unopposed. *See Stackhouse v. Mazurkiewicz*, 951 F.2d 29, 30 (3d Cir. 1991); *see also Jones v. Unemployment Comp. Bd. of Review*, 381 F. App’x 187, 189 (3d Cir. 2010).

On the first page of the Complaint, the form instructs Plaintiff to “[t]ype or print the reasons you, the Plaintiff[] are suing the Defendant[]:” (*Id.*) Plaintiff’s response to this prompt is as follows:

- 1) Defamation
- 2) Negligent Enablement of Identity Fraud
- 3) Violation of Fair Credit Reporting Act

(*Id.*) Plaintiff provides no facts or details regarding these causes of action. Plaintiff’s Complaint, accordingly, fails to satisfy the requirements of Rule 8(a) because it fails to provide any factual support for the three causes of action identified in the Complaint and fails to put Defendant on notice of the grounds upon which the causes of action rest. The Court, accordingly, grants Defendant’s Motion to Dismiss. Plaintiff’s Complaint, however, is dismissed without prejudice and Plaintiff may file an amended complaint that complies with the requirements of Rule 8.<sup>2</sup>

#### IV. Order

For the reasons set forth above, and for other good cause shown,

IT IS on this 21<sup>st</sup> day of December, 2018, **ORDERED** that:

1. Defendant’s Motion to Dismiss (ECF No. 5) is **GRANTED**.
2. The Clerk of the Court shall close this matter.
3. By **January 30, 2019**, Plaintiff may file an amended complaint and correspondence requesting that the Clerk reopen this matter.

  
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**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> The District Court for the District of New Jersey publishes a Procedural Guide for *Pro Se* Litigants that is available online at: <http://www.njd.uscourts.gov/sites/njd/files/ProSeGuide.pdf>. The form complaint contained therein may assist Plaintiff in filing an amended complaint.